

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:09-CR-351-BO

UNITED STATES OF AMERICA)
v.) ORDER
DAMIEN CHARLES)

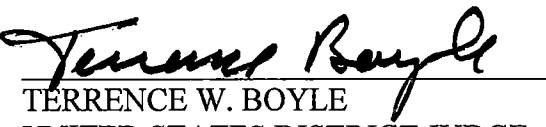
This cause comes before the Court on defendant's motion for transcripts at government expense. [DE 35]. Defendant states that he needs a free transcript of his plea and sentencing hearings so that he may prepare a proper defense and appeal on collateral attack under 28 U.S.C. § 2255.

The circumstances under which the court may provide an indigent criminal defendant a copy of his transcript at the court's expense are addressed by 28 U.S.C. § 753(f). Specifically, section 753(f) states that a transcript at no cost shall be provided to an indigent criminal defendant to bring an action pursuant to 28 U.S.C. § 2255 "if the trial judge...certifies that the suit...is not frivolous and that the transcript is needed to decide the issue presented by the suit. . ." 28 U.S.C § 753(f); *see also United States v. MacCollom*, 426 U.S. 317, 326 (1976).

Additionally, an indigent defendant must make a showing of a particularized need to obtain a transcript at no cost. *See United States v. Hill*, 34 Fed. App'x 942, 943 (4th Cir. 2002). An indigent defendant may not obtain a free transcript "merely to comb the record in the hope of discovering some flaw." *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963).

Defendant's motion does not state any particularized need for the requested transcripts and thus does not meet the requirements for a transcript at no cost under section 753(f). Defendant's motion for transcript is therefore DENIED.

SO ORDERED, this the 6 day of April, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE